



NOTICE OF LEGISLATIVE CHANGE
Immigration Consultant Internet Bond Search and Filing Requirements
(Statutes of 2006, chapter 605 (Assembly Bill 630))

Pursuant to the new provisions of Business and Professions Code section 22443.1(e), on or after January 1, 2007, only the information relating to individuals who have complied with the new law will be posted on the Secretary of State's website as being active immigration consultants. Therefore, other individuals will not be listed as being active, even if the individual was previously authorized to engage in the business or act in the capacity of an immigration consultant prior to January 1, 2007.

- **New Consultants:** Under the new law, an individual desiring to engage in the business or act in the capacity of an immigration consultant must pass a background check and submit the following to the Secretary of State: 1) A completed disclosure statement; 2) A copy of a valid and current photo identification; 3) A photograph meeting specified requirements; and 4) A bond in a specified amount with the required filing fee. Specific instructions will be posted on the Secretary of State's website prior to January 1, 2007. An individual will be notified in writing once he or she has filed all of the required documents, has passed the background check and is authorized to provide services.
- **Existing Consultants:** Under the new law, individuals previously authorized to engage in the business or act in the capacity of an immigration consultant must complete and submit: 1) A new disclosure statement; 2) A copy of a valid and current photo identification; 3) A photograph meeting specified requirements and pass a background check. A new bond must be filed if the prior one has lapsed. If a new bond is filed, a new filing fee for the bond also is required.

Please note that individuals previously authorized to engage in the business or act in the capacity of an immigration consultant must submit fingerprints and other information required for the background check to the Department of Justice and a photograph meeting certain specifications must be submitted to the Secretary of State by July 1, 2007. (Business and Professions Code §§ 22442.4(a) and 22443.1(g)(2), as added and amended.)

- **Renewals and Continuations:** Further, only persons who currently have a surety bond on file with the Secretary of State may engage in the business or act in the capacity of an immigration consultant. (Business and Professions Code § 22443.3.) Therefore, a renewal or continuation of any surety bond must be filed with the Secretary of State prior to the expiration of the surety bond. If the renewal or continuation of a surety bond is not filed with the Secretary of State prior to the expiration of the surety bond, the person covered by the bond may not engage in the business or act in the capacity of an immigration consultant until he or she again has complied with all of the qualification requirements, including the submission of a new disclosure statement, a copy of a valid and current photographic identification, a photograph, a bond, the filing fee, and the passing of a background check. Effective January 1, 2007, surety bond "continuation certificates" or similar documents purporting to "renew" surety bonds that are received after the expiration of the applicable surety bond will be returned "unfiled."

A complete copy of Assembly Bill 630 is available on the California Legislative Counsel's website at <http://www.leginfo.ca.gov/bilinfo.html>.